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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,517

09/28/2004

Yoshio Sano

Q83378

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72875

7590

12/16/2008

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

Washington, DC 20037

EXAMINER

YI, STELLA KIM

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

12/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com

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USPatDocketing@sughrue.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,517	<b>Applicant(s)</b> SANO, YOSHIO	
	<b>Examiner</b> Stella Yi	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 11, 2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over KATSUHIRO et al. (JP 61-261011) and in further view of VOGT (2,759,618).

Regarding Claims 5-6, KATSUHIRO et al. discloses a lens-casting-mold assembling apparatus comprising a taping device used in molding of plastic lenses where the molds are centered by the positioning device (Abstract). As shown in Figures 6, 10, and 11 of KATSUHIRO et al., the concave and convex molds have a predetermined distance spaced therein between and the taping or sealing of the molds may be achieved while keeping the said distance between the molding surfaces of the

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molds in constant (Abstract). KATSUHIRO et al. also discloses a rotary shaft **11, 8** (rotation drive device) which simultaneously rotates the positioned concave and convex molds, and a press roller **12** (Abstract). KATSUHIRO et al. is silent to the elements or characteristics of the said tape winding device. However, VOGT discloses a taping device that includes a tape roll holding device **10** which holds an adhesive tape roll of wound adhesive tape (Col.2, lines 14-25), a bridge member having a snubbing surface formed thereon (tape keep device) (23 & 24 Figure 1) which holds a distal end side of the adhesive tape drawn out from the adhesive tape roll (Col.2, lines 28-30), an applicator device (a tape drawing-out device) Figure 3 which is constructed to draw out the adhesive tape from the adhesive tape roll by moving the plate 27 of the said applicator device against the backup plate 25 (moving from a first position to a second position), thus releasing the snubber spring element 28 and permitting the tape to be withdrawn from the roll (Col.3, lines 35-39) from position 41 to the position 42 of Figure 1 in a state where the distal end side of the adhesive tape is held by the said tape keep device, and the end of the tape 41 may be turned back against the bridge member (Col.2, lines 64-72; Col.3, lines 52-58 and 67-69) after the holder is removed from the surface and the plate 27 of the applicator device moves outwardly to its original position (move from the second position to the first position) when the adhesive tape is to be wound onto the peripheral surfaces of the surface (Col.3, lines 55-57) and a cutting device **35** which cuts the adhesive tape (Col.3, lines 8-9). It would have been obvious to one of ordinary skill in the art to have modified the taping device for lens-casting-mold assembling apparatus of KATSUHIRO et al. to include the elements or devices of the

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taping device of VOGT in order to manufacture optical lenses having both concave and convex surfaces of KATSUHIRO et al. by facilitating the adhering of the tape of VOGT to tape and seal the surfaces of KATSUHIRO's lens molds.

***Response to Arguments***

4. Applicant's arguments filed November 11, 2008 have been fully considered but they are not persuasive.

Applicant argues on pages 4-5 of the Remarks:

a) Vogt does not teach or suggest that the applicator device moves when the distal end side of the adhesive tape is held by the tape keep device.

Examiner respectfully disagrees with the Applicant's above arguments and would like to point out the reason(s) as discussed in the rejection:

a) Vogt discloses that the said applicator device (Figure 3) is carried by the plate 27 (Figure 3) which consists of a spring 28 (Figure 3) secured to the upper end of the said plate and extends inwardly (Col.2, lines 37-38 and 67). Furthermore, Vogt discloses that as the tape is applied to a desired surface by pressing the holder against the adhesive, the plate 27 is moved against the backup plate 25, thus releasing the snubber spring element 28 and permitting the tape to be withdrawn from the roll (Col.3, lines 35-39). Therefore, Vogt teaches that the applicator device does move in the process of tape application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SY

/Matthew J. Daniels/  
Primary Examiner, Art Unit 1791  
12/8/08